



BEAR BOXES IN THE LAKE TAHOE REGION

TAHOE REGIONAL PLANNING AGENCY
LOCAL GOVERNMENT COMMITTEE REPORT



February 28, 2018

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Table of Contents

Introduction.....	1
Background.....	1
South Lake Tahoe Basin Waste Management Authority Meeting Summary.....	9
BIG Meeting Summary.....	10
Local Government Committee Meeting Summary.....	11

Introduction

The Tahoe Region has the second highest density of black bears in north America, with several bears per square mile at times.¹ When bears become habituated to obtaining food by raiding garbage cans, they are extremely difficult to deter and may create public health and safety issues. Storing trash in a bear-proof collection bin or structure (“bear box”) has proven an effective management strategy for deterring bears and other wildlife.



For decades, public health and safety providers, wildlife professionals, and wildlife advocates, such as the BEAR League, have advocated mandating the installation of bear boxes on all properties in the Tahoe Region. While most local governments in the Tahoe Region have adopted “bear box” ordinances, they do not universally require bear box installation on private properties with new construction or on existing developed parcels due to the cost. The cost for a bear box at a single-family residence ranges from \$800 to \$1,500. Local governments and waste management providers have elected to develop a combination of regulations and incentive programs, such as loans and rebates, to aid installation.

This report, *Bear Boxes in the Lake Tahoe Region (Report)*, has been prepared in response to a request from the Tahoe Regional Planning Agency’s (TRPA) Local Government Committee (LGC) to better understand what local governments and waste management providers, as well as TRPA, states, and U.S. Forest Service, are currently doing to facilitate bear box installation in the Tahoe Region.

Background

The Tahoe Regional Planning Agency (TRPA) has planning jurisdiction within parts of two States, California and Nevada. The Tahoe Region includes all of the City of South Lake Tahoe and parts of the counties listed below:

- El Dorado County, CA
- Placer County, CA
- Washoe County, NV
- Carson City, NV
- Douglas County, NV

In the Tahoe Region, waste management services are provided by South Tahoe Refuse and Recycling Services, Tahoe Truckee Sierra Disposal, Incline Village General Improvement District, and Waste Management.

¹ Nevada Department of Wildlife (NDOW), www.ndow.org/Species/Furbearer/Black_Bear

Local governments have taken the lead in adopting “bear box” ordinances in the Region and waste management providers have taken the lead in implementing incentive programs to encourage installation. A summary of local bear box regulations and incentives are summarized below, along with TRPA, state, and federal regulations and policy.

SOUTH SHORE

South Lake Tahoe, CA: The City of South Lake Tahoe does not require bear boxes with new construction. The City may take corrective enforcement action if waste becomes a nuisance and/or a property owner has failed to adequately provide for appropriate refuse collection and/or storage. Corrective actions may include mandating “controlled access” lids to prevent animal disturbances and/or bear-proof refuse containers for repeat violators. Bear boxes are required with all short-term rentals (a.k.a., vacation home rentals or VHRs). The fine for a trash related violation at a VHR is \$1,000. A trash violation counts towards one of three strikes that may result in the revocation of a permit (City of South Lake Tahoe Code, Section 4.150.150 and VHR Ord. 1114, www.cityofsltd.us)

El Dorado County, CA: El Dorado County requires the installation of bear-resistant garbage enclosures in conjunction with the construction of new residential units or commercial businesses on parcels that lie within the Lake Tahoe Unified School District or the Tahoe Truckee Unified District boundaries. Bear-resistant garbage can enclosures may also be required if the County identifies a bear access problem. The County requires VHRs to have garbage collection and disposal that mitigates bear or wildlife access. El Dorado County maintains an approved list of bear-resistant garbage containers. The County is currently considering updating their VHR ordinance and bear box ordinance and plans to bring them forward at the same time later this year. (El Dorado Code of Ordinances, Sec. 5.56.50 and Ch. 8.76, www.edcgov.us, and JPA meeting on 1/19/2018)

Douglas County, NV: Douglas County does not require bear boxes with new construction or additions. The County does, however, require garbage be placed in a bear-proof collection bin, container or structure, following two or more violations. The County does not require bear boxes at VHRs within the Tahoe Township. However, each VHR must have a clearly visible and legible notice posted within the unit that includes the trash pick-up day and notification that trash and refuse must not be left or stored on the exterior of the property except from 6:00 p.m. of the day prior to trash pick-up to 6:00 p.m. on the day designated for trash pick-up unless a bear proof container exists for use by the occupants. (Douglas County Code, Sec. 6.32 and 5.40, www.douglascountynv.org)

South Lake Tahoe Basin Waste Management Authority: An interlocal agreement between Douglas County, the City of South Lake Tahoe, and El Dorado County exists for the handling and reduction of solid waste generated within their respective boundaries in the Tahoe Basin. This agreement created the South Lake Tahoe Basin Waste Management Authority, a Joint Powers Authority (JPA). The JPA Board consists of a member of the governing body from each jurisdiction. Current membership includes:

Nancy McDermid, Chair, Douglas County, NV
Sue Novasel, El Dorado County, CA
Wendy David, City of South Lake Tahoe, CA

In 2015, the JPA, in partnership with South Tahoe Refuse and Recycling Services (STR), began working on a draft ordinance to address persistent problems related to wildlife and trash issues that each jurisdiction could potentially adopt. This was also being pursued because STR expressed an interest in having uniform ordinances across jurisdictions in order to communicate easily with customers in their service area, which includes the City of South Lake Tahoe and portions of El Dorado County and Douglas County within the Tahoe Region. The draft ordinance was presented to the City of South Lake Tahoe and Douglas County, but was not advanced by either jurisdiction. At the January 19, 2018, JPA meeting, the Board began discussing updating local ordinances again. A summary of the meeting is provided below.



Source: Clean Tahoe

South Tahoe Refuse and Recycling Services (STR): STR provides mandatory solid waste collection services in the City of South Lake Tahoe and El Dorado County and on a voluntary subscription basis in Douglas County within the Tahoe Region. STR also has a loan program for residential homeowners in their South Lake Tahoe service area to purchase bear-resistant garbage can enclosures. Under the program, eligible homeowners can apply for a five-year, interest-free loan that is repaid through a separate billing. In recent years, STR pushed back their pick-up time for residential customers to 7:00 am to encourage people to put their trash out the morning of pick-up day (not the night before), which has helped to reduce the number of animals getting into trash. (www.southtahoerefuse.com).

Clean Tahoe: The City of South Lake Tahoe and El Dorado County contract with Clean Tahoe, a community based non-profit organization on the South Shore of Lake Tahoe, to remove litter from roadways and neighborhoods, maintain trash and recycling containers, to provide community education on proper trash management, and to report repeat offenders to the appropriate jurisdiction for enforcement of their respective litter and nuisance ordinances. A summary of Animal-in-Trash (AIT) Cleanups for City of South Lake Tahoe and El Dorado County in 2017 is provided below. Clean Tahoe reports this information to the City and County.

**Clean Tahoe Program
Animal-in-Trash Data - 2017**

Animal-in-trash (AIT) Cleanups 2017			
	El Dorado County	City of S. Lake Tahoe	Monthly Totals
Jan	1	6	7
Feb	4	9	13
March	2	25	27
April	8	18	26
May	2	32	34
June	6	20	26
July	9	53	62
August	9	72	81
Sept	4	47	51
Oct	9	69	78
Nov	1	31	32
Dec	2	12	14
Total	57	394	451

Repeat AITs 2017			
	El Dorado County	City of S. Lake Tahoe	Monthly Totals
Jan	0	5	5
Feb	0	1	1
March	0	7	7
April	1	9	10
May	0	10	10
June	1	5	6
July	2	20	22
August	2	24	26
Sept	1	10	11
Oct	1	27	28
Nov	0	9	9
Dec	2	4	6
Total	10	131	141

Source: Clean Tahoe

In general, AIT problems occur at residential or commercial properties without a bear box or when trash is left out before the trash pick-up day, with private trash containers (not rented from STR), or as a result of user error, such as at multi-family residences when lids are not secured (Catherine Cecchi, Clean Tahoe 1/16/18). It should be noted that the above AITs reported by Clean Tahoe are just a portion of AIT incidents that occur in the Tahoe Basin because it does not include AIT cleanups completed by STR, individual property owners, or within Douglas County. STR provides trash pick-up services five days a week and estimates that they conduct 75 to 100 clean ups a day, which are the result of animals, illegal dumping, or human negligence (Source: Jeff Tillman, JPA meeting on 1/19/2018).

NORTH SHORE

Placer County, CA: Placer County requires installation of bear boxes on properties above 5,000 feet in elevation (includes Tahoe Region) when permitting new residential construction (and businesses) or additions over 500 square feet. The County may also require bear-resistant garbage enclosures if a bear access problem is determined. Placer County does not require VHR permits, but instead requires a Transit Occupancy Tax (TOT) Certificate. A bear-resistant garbage enclosure is not required prior to obtaining a TOT Certificate. (Placer County Code, Chapter 8.16, www.placer.ca.gov)

Tahoe Truckee Sierra Disposal (TTSD): TTSD provides waste services to Placer County residents in the Tahoe Region. To incentivize existing residential property owners to install bear-resistant garbage enclosures, Tahoe Truckee Sierra Disposal offers five-year, interest-free loans for residential homeowners in Placer County to cover the cost. (Tahoe Truckee Sierra Disposal, www.waste101.com/bear-aware)

Washoe County, NV: The Washoe County Health District (WCHD) Code requires containers for the storage of garbage be designed to keep the contents free from pests and vermin, including but not limited to dogs, bears, coyotes and raccoons, and stored in a manner that precludes access by domestic or wild animals, by means of storage location, times of placement and removal from the street curb

and/or use of approved animal resistant containers. The owner of a residential or commercial solid waste storage container that is subject to chronic disturbance by domestic or wild animals must provide an approved animal resistant container and/or relocate the container to an area that is not accessible by animals. If the WCHD receives two (2) or more valid complaints in a 12-month period regarding animals accessing garbage due to improper storage, WCHD will require installation of an approved animal resistant container (reference WCHD Code, Section 040, www.washoecounty.us/health). Washoe County does not have a VHR ordinance.

Incline Village General Improvement District (IVGID): IVGID provides trash services in Incline Village and Crystal Bay. Trash collection is provided through a contract with Waste Management and every residential and commercial customer is issued a container for trash and recycling, except for bear box customers. IVGID customers are required to have and utilize an appropriate structural space, enclosure, bear shed or wildlife resistant enclosure. District approval of building permit applications is subject to this provision. Persons placing containers outside their building or structural space for collection are responsible for locating the containers to avoid overturning or disturbance by animals. A first offense for residential customers is the mandatory use of a collector supplied enhanced wildlife resistant can. Subsequent offenses are monetary fines ranging from \$100 to \$999. Commercial solid waste offenses are monetary fines up to \$999. The residential fee is non-refundable except upon relief provided under appeal process or the installation of a bear box within 60 days of a billed fee. The commercial fees are non-refundable except upon relief provided under appeal process or with use of enhanced wildlife resistant dumpster within 60 days. IVGID also administers a Bear Shed Rebate Program. Rebates valued at \$150 are available for single family and multi-family home residential customers. (IVGID Solid Waste Ordinance 1, www.yourtahoeplace.com/public-works/about-public-works/public-works-ordinances)

Table 1 (on the following page) includes an overview of bear box regulations and incentives that local jurisdictions are providing and considering in the Tahoe Region.

Table 1: Bear Box Regulations and Incentives in the Lake Tahoe Region*

Bear Box Requirements	City of South Lake Tahoe	El Dorado County	Douglas County	Placer County	Washoe County
	South Lake Tahoe Basin Waste Management Authority & South Tahoe Refuse & Recycling (STR)			Tahoe Truckee Sierra Disposal	IVGID***
Mandatory for New Commercial & Multi-Family Housing		● **			
Mandatory for Existing Commercial & Multi-Family Housing		● **			
Mandatory for existing SFDs					
Mandatory for new SFD Construction		●		●	
Mandatory with SFD Additions		● **		●	
Required with Vacation Home Rentals	●	● **			
May Require for Repeat Violations	●	●	●	●	●
Incentives ****	●	●	●	●	●

*Carson City has not been included due to the small amount of existing development and limited amount of future development potential.

**El Dorado’s model bear box ordinance includes language requiring bear box enclosures at multi-family complexes, commercial properties and with residential remodels/additions.

*** IVGID issues a container for trash and recycling to residential and commercial properties or requires a bear box.

****Rebates or loan programs available to incentivize installation of bear boxes.

● = Doing

● = Considering

REGIONAL

Tahoe Regional Planning Agency (TRPA): In 2003, to promote the installation of bear-resistant garbage can enclosures, TRPA made the following determinations regarding permit requirements for bear boxes:

- Bear-resistant garbage containers that are mounted on a uni-pod stand (or mono pole) and anchored to a below grade concrete base are not considered land coverage if they are elevated at least 18 inches off the ground. Installation of these structures do not require a TRPA permit and are considered an exempt activity, similar to installing a mail box.
- Bear-resistant trash enclosures that are mounted on legally existing paved surfaces are not considered coverage and are exempt from TRPA review.
- Bear-resistant garbage containers that require the installation of a concrete pad are considered land coverage.

The Agency implemented the above policy to support local governments and waste management providers in their effort to encourage the installation of bear-resistant garbage enclosures (Bear Resistant Garbage Containers Letter to MOU Partners and Staff, February 2003).

In December 2012, as part of the amendments to the Regional Plan, the Agency adopted the following policy and code language to encourage local governments to take a proactive role in facilitating the installation of bear boxes through Area Plans:

ENCOURAGE LOCAL GOVERNMENTS TO DEVELOP AND ENFORCE AN URBAN BEAR STRATEGY ADDRESSING BEAR RESISTANT SOLID WASTE FACILITIES AND RELATED MATTERS WITHIN THEIR AREA PLANS. (REGIONAL PLAN POLICY WL-1.5)

In Area Plans, lead agencies are encouraged to develop and enforce urban bear strategies to address the use of bear-resistant solid waste facilities and related matters. (TRPA Code of Ordinances, Section 13.5.3.C.1, *Urban Bear Strategy*)

Local governments have addressed the above policy and code language in Area Plans as follows:

South Shore Area Plan, Douglas County, NV: The Area Plan does not include an urban bear strategy. The Area Plan Finding of Conformance Checklist referred to existing Douglas County regulations regarding bears and bear-resistant solid waste facilities (Douglas County Code, Chapter 6.32).

Tourist Core and Tahoe Valley Area Plans, City of South Lake Tahoe CA: The Area Plans do not include an urban bear strategy. The Area Plan Finding of Conformance Checklists referred to existing City Code regulations regarding refuse and garbage (South Lake Tahoe City Code, Section 4.150).

Placer County Tahoe Basin Area Plan, Placer County, CA: The Area Plan includes Policy SE-P-2, which states “Coordinate with partner agencies to manage bear populations and minimize conflicts with people. Programs should emphasize public education and expand the use of bear-proof solid waste enclosures.”

Meyers Area Plan, El Dorado County, CA (scheduled for TRPA Governing Board consideration & adoption Feb. 2018): The Meyers Area Plan Design Standards, Site Design Standards, 1.h, *Provide Bear-Proof Trash Facilities*, states: “Trash and garbage facilities shall be secure from bears. For residential uses, garbage

shall be cleaned up and made unavailable to bears. For all other uses, garbage cans and dumpsters shall be “bear-proofed” with metal lids that are latched with a minimum of two latches.”

STATE

Nevada Department of Wildlife (NDOW): NDOW maintains a list of bear box ordinances by Nevada jurisdiction and contact numbers to file a trash related complaint. NDOW also responds to human-bear conflicts, such as a bear entering a residence. They offer educational advice on eliminating attractants and will often trap bears to gather important biological information before releasing them with aversive conditioning. NDOW uses Karelian Bear Dogs to assist bear managers with aversive conditioning, and thereby reducing the number of bears that have to be killed for becoming too bold around humans. NDOW has had some success with this procedure, particularly when the bear is released in the area it was captured. Translocations are still used occasionally however, primarily to determine which bear may be responsible for significant damage in certain neighborhoods, or if a bear is human-food conditioned. (www.ndow.org/Nevada_Wildlife/Bear_Logic/Karelian_Bear_Dogs)

California Department of Fish and Wildlife (CDFW): CDFW responds to human/bear conflicts by following procedures outlined in the statewide black bear policy www.wildlife.ca.gov/Conservation/Mammals/Black-Bear/Statewide-Policy. The Department considers improper storage of human food and garbage to be the primary cause of bear conflicts with humans. The reduction or elimination of bear attractants is emphasized throughout this policy and in the "Keep Me Wild" Program so that bears do not become habituated to human food and become problem bears in the future. This policy is intended to reduce the number of bear/human conflicts to the benefit of individual bears and people living near, or recreating in, bear habitat. Law Enforcement officers and biologists offer educational advice on eliminating attractants using outreach material from the “Keep Me Wild” campaign www.wildlife.ca.gov/Keep-Me-Wild/Bear. Unlike NDOW, CDFW has no trapping or aversive conditioning program. The Department responds to and addresses bear/human conflicts pursuant to the procedures in Section 4181.1 of the Fish and Game Code.

U.S. FOREST SERVICE

USDA Forest Service Lake Tahoe Basin Management Unit (LTBMU): The LTBMU maintains bear boxes at all campgrounds on National Forest System lands in the Lake Tahoe Basin. Campers are required to store food in bear boxes and dispose of trash properly; campers not in compliance with the LTBMU Food and Refuse Storage Restrictions (Order 19-17-02) can be fined and evicted from campgrounds https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd544197.pdf. The LTBMU emphasizes the use of educational messages to inform visitors about how, when, and why to use bear boxes, including: bear box decals, written pamphlets and signs, and verbal messages. All campground hosts and day use site managers attend an annual bear aware training in which they are trained on how to prevent (and also respond to) bear encounters. The Forest Service maintains an informational web page to inform the public about how to prepare for a trip to bear country: <https://www.fs.fed.us/visit/know-before-you-go/bears>. The LTBMU encourages overnight hikers in dispersed areas like Desolation Wilderness to use bear canisters. The LTBMU works closely with state agencies NDOW and CDFW to respond to a bear encounter at a Forest Service site.

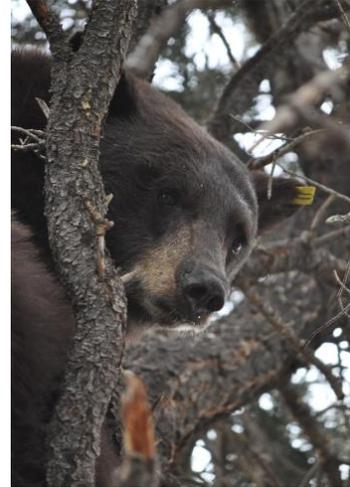
ORGANIZATION

Bear League: The BEAR League is a completely volunteer, community based, not-for-profit organization in the Lake Tahoe Basin, Truckee and beyond, committed to keeping bears safe and wild in their natural habitat. The BEAR League focus is on:

1. Education
2. Aversion
3. Response
4. Community Involvement
5. Policy Development

The BEAR League educates the public about the black bear, works with teams of trained aversion specialists to keep bears out of places they do not belong and educates them as to where they do belong, provides a hotline (530) 525-PAWS which is staffed 365 days a year 24 hours a day to help anyone who has a problem with a bear, and works with community members to make changes at local and the state levels to see policies that promote people and bears living in harmony.

(www.savebears.org)



Source: NDOW

South Lake Tahoe Basin Waste Management Authority Meeting Summary

At the January 19, 2018, South Lake Tahoe Basin Waste Management Joint Powers Authority (JPA) meeting, the JPA Board and meeting participants were presented a model Bear Box Ordinance by El Dorado County staff and discussed bear box related issues. The following are meeting highlights:

El Dorado County Model Bear Box Ordinance

- El Dorado County staff plans to bring forward a new bear box ordinance to the Board of Supervisors at the same time they bring forward a new VHR ordinance, which is currently under development.
- The model ordinance would require bear boxes with new construction, remodels, VHR permits and in response to identified bear access problems.
- Existing residential property owners could continue to keep their garbage containers if they are maintained in an area inaccessible to bears and placed on the street no earlier than 5 a.m. on the regularly scheduled day of collection and returned on the same day.
- The size of bear boxes at VHRs will be based on the size of the unit.
- Multi-family residential complexes and commercial properties would be required to use either (1) a dumpster provided or approved by the franchised waste hauler or, (2) an approved bear-resistant garbage can enclosure.
- A progressive warning and penalty structure would be implemented based on the number of violations in a 24-month period. Fees could be waived for those who install a bear box.

- The model ordinance includes language that the City of South Lake Tahoe and Douglas County could use to update their ordinances.

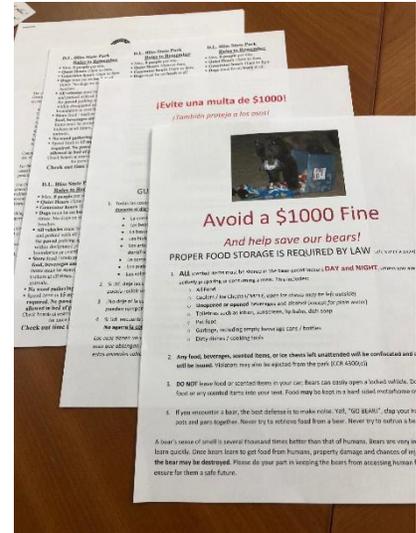
Addressing Animal in Trash Problems

- The JPA agreed to consider increasing the fee Clean Tahoe can charge to cover the actual cost of a clean-up and to encourage people to be more responsible with their trash (the current fee is only \$35.00).
- The JPA Board directed STR, in addition to Clean Tahoe, to start reporting clean-up incidents to local jurisdictions. JPA Board members said they need this information to better understand the scope of the problem and to garner support for updating bear box ordinances.
- JPA Board members agreed to communicate with their staff about improving enforcement of local bear box ordinances.
- The JPA Board is going to consider adopting a list of approved bear box enclosures that all three jurisdictions can provide on their websites.
- The JPA Board and participants agreed that the lower-cost “bear resistant garbage cans” (screw tops or totes) have not been effective in preventing animals from getting into trash and cause problems for STR. For repeat offenders, an approved bear box enclosure should be required.
- Metal construction boxes used by some commercial property owners as a trash can/dumpster were identified as problematic. There was general consensus that these types of structures should be prohibited.
- The Board and participants noted that bears are not the only issue, racoons, ravens, domestic dogs, illegal dumping and human error were also identified as causing the trash problem.
- Douglas County is going to be looking at updating their VHR ordinance and may consider bear box requirements at the same time.
- The STR loan program is very popular. STR has approved 33 loans and has 40 applications under review. The popularity of the program is in part due to the City’s new VHR ordinance and awareness that El Dorado County is planning to require bear boxes at VHRs, as well as due to the mild winter, which has allowed people to continue to install bear boxes. All people that receive a trash clean up fine are notified of the loan program. STR anticipates running out of current funding by this spring.
- At the next JPA meeting (*scheduled for 1:00 p.m. on March 2, 2018*), the JPA Board will be reviewing each local jurisdiction’s trash clean-up fee structure and appeal process and considering increasing Clean Tahoe’s clean-up fee.

BIG Meeting Summary

At the February 13, 2018, the Biology Interagency Group (BIG) meeting, a meeting coordinated by the California Tahoe Conservancy for wildlife professionals that work in the Tahoe Region, bear policy was discussed. The following are meeting highlights:

- The U.S. Forest Service and state parks have installed bear boxes on public lands throughout the Tahoe Region (campgrounds, public beaches, trailheads, etc.) and provide public education, but animal in trash problems are still occurring.
- Animal in trash problems are still occurring because of the following reasons: 1) some people cannot figure out how to open/close bear boxes/dumpsters properly; 2) some people choose to leave bear boxes/dumpsters open; 3) when dumpsters get filled up, some people just leave their trash on the outside; 4) some places do not have enough or adequate sized dumpsters; 5) some people leave their food out at campsites/beaches; and 6) some people cannot fit all of their food or ice chests in the bear boxes provided.
- Public land managers are working to address these issues by providing public education on bears and food storage to visitors in both English and Spanish and have started to provide stencils/pictures on bear boxes and dumpsters to show how to properly open/close bear boxes/dumpsters.
- On the Nevada side of the Tahoe Region, NDOW cannot enforce animal in trash related issues because there is no state statute. They must rely on local jurisdictions to adopt ordinances and enforce regulations.
- On the California side of the Tahoe Region, state agencies can enforce both state and local ordinances, can impose fines when violations occur and can confiscate improperly stored ice chests/food.
- Participants identified the need for more resources (especially on the California side of the Tahoe Region) for bear management and to respond to bear incidents.
- Wildlife managers expressed support for ordinances requiring bear boxes and better enforcement to reduce human/bear conflicts.
- Participants identified the need for a follow-up meeting with local jurisdictions/law enforcement, wildlife professionals, and waste management professionals to discuss bear management and garbage policy and to improve coordination among agencies.



Source: California State Parks Educational Material

Local Government Committee Meeting Summary

At the February 28, 2018, TRPA Governing Board Local Government Committee (LGC) meeting, the LGC was presented this Report and took public comment. Meeting participants included waste management providers, wildlife professionals, wildlife advocates, and members of the public. Participants advocated for TRPA, local jurisdictions, and waste management providers to be more proactive in addressing animal in trash issues. Recommendations included:

- 1) Robust public education
- 2) Adoption of stronger ordinances

- 3) Enhanced coordination among local jurisdictions, law enforcement, state agencies, and waste management providers
- 4) Better enforcement
- 5) Application of best management practices